

Art Unit: 2112

Detailed Action

- Response to the applicant's RCE filed on 6/27/2011
- Claims 24-39 have been Cancelled
- Claims 1-23 and 40-79 have been submitted for examination
- Claims 1-23 and 40-79 have been Allowed

RCE

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/27/2011 has been entered.

Information Disclosure Statement

1. The references cited in the IDS filed on 6/27/2011 have been considered.
2. The Applicant has submitted a large number of references for consideration by the Examiner in the IDS filed on 6/27/2011. The Examiner notes that the references submitted generally appear to be prior art which is cumulative that has been already been considered on the record.

Art Unit: 2112

3. In view of the large number of references submitted by the Applicant for consideration in this application, the Applicant is requested to identify any references submitted which have particular significance in the prosecution of this application for further consideration by the Examiner. In indicating reference(s) for further consideration, applicant should also indicate the specific features, corresponding passages, and figures of such reference(s) which are believed to be relevant to the invention as presented in the claims of this application.
4. The Applicant is reminded of procedures for withdrawal from issue outlined in MPEP section 1308 and 37 CFR section 1.313 should the Applicant become aware of material rendering one or more claims of the application unpatentable.

Allowable Subject Matter

5. Claims 1-23 and 40-79 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance as indicated in the office action mailed on 7/22/2009.

The following is an examiner's statement of reasons for allowance:

6. Independent claim 1 of the instant application teaches:
a message generator for:
generating a first message comprising an acknowledgement indicator and a rate

Art Unit: 2112

control indicator, wherein the rate control indicator indicates at least whether a rate control command will be generated and issued; and
generating a second message conditioned on the rate control indicator indicating at least that the rate control command will be generated and issued.

**The following limitations are not found in the prior art of record,
particularly, none of the prior arts of record teach nor fairly suggest,**

generating a first message comprising an acknowledgement indicator and a rate control indicator, wherein the rate control indicator indicates at **least whether a rate control command will be generated and issued; and**
generating a second message conditioned on the rate control indicator indicating at least **that the rate control command will be generated and issued.**

7. Claims (2-5) depend from claim 1.
8. Claims 6, 10, 19, 20-23, 40, 41 and 54-64 have similar allowable limitations as per claim 1.
9. Claims (7-9) depend from claim 6.
10. Claims (11-19) depend from claim 10.
11. Claims (42-53) depend from claim 41.
12. Claims (65-79) depend from claim 64.

Art Unit: 2112

13. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Application/Control Number: 10/780,824

Page 6

Art Unit: 2112

/Sam Rizk/

Primary Examiner, Art Unit 2112